

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHNNY L. SEIB,

No. 3:19-cv-00892-AC

Plaintiff,

ORDER

v.

METROPOLITAN LIFE INSURANCE  
COMPANY, and ALL OTHER  
INTERESTED PARTIES,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation [13] on March 30, 2020, in which he recommends that the Court grant in part and deny in part Defendant's Motion to Dismiss [6]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

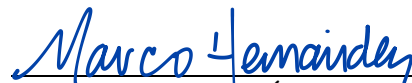
Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings and Recommendation [13]. Accordingly, Defendant's Motion to Dismiss [6] is GRANTED IN PART and DENIED IN PART. Specifically, Defendant's motion to dismiss pursuant to Rule 12(b)(1) is denied and Defendant's motion to dismiss pursuant to Rule 12(b)(6) is granted as described in detail in the Findings and Recommendation. Any amended complaint shall be filed within 30 days of the date of this order.

IT IS SO ORDERED.

DATED: May 15, 2020.



MARCO A. HERNÁNDEZ  
United States District Judge